

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, DECEMBER 7, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Crossley, Fischman, Harney, and Schnipper; absent: Ald. Blazar; also present: Ald. Ciccone  
City staff: Derek Valentine (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#313-10      PRESIDENT LENNON in conjunction with Newton Wellesley Hospital recommending the re-appointment/appointment of the following individuals to the Newton Wellesley Hospital Neighborhood Council pursuant to condition 29 of special permit #470-04 for terms concurrent with the 2010-2011 Board of Aldermen:

(A) Theresa Fitzpatrick  
1935 Beacon Street  
Newton 02468

(C) Andree Saulnier  
54 Longfellow Road  
Newton 02462

(E) Ald. Amy Sangiolo (Ward 4)

(B) George Swetz  
120 Dorset Road  
Newton 02462

(D) Debra Waller Sallaway  
10 Bonaire Circle  
Newton 02462  
(new appointee)

(F) Ald. Brian Yates (Ward 5)

ACTION:      (A), (B), (C), (E), (F) APPROVED 5-0 (Schnipper and Harney not voting)  
                  (D) HELD 5-0 (Schnipper and Harney not voting)

NOTE: Condition 29 of special permit #470-04, granted to Newton Wellesley Hospital on March 5, 2005, requires that the membership of this advisory council consist of one resident/property owner from Longfellow Road, Bonaire Circle, Beacon Street, across Washington Street or Walsingham Street, and Dorset Road, two Aldermen (one each from Ward 4 and Ward 5), as well as a designee of the hospital's president and a representative from the city's Planning and Development Department. The purpose of the Council is to discuss issues of general and mutual concern to the city, hospital and abutters, including but not limited to traffic management and future growth, and to provide a forum to resolve disputes and complaints.

Ms. Sallaway is a new appointee and her appointment was held because President Lennon was out of town and has not yet had an opportunity to meet with her. The re-appointees and Aldermen Sangiolo and Yates were approved 5-0.

#277-10      JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a mixed-use development containing 5 two-bedroom dwelling units over 2, 997 sq. ft. of retail space with a 21-space rear-yard parking

lot (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum on land known as SBL 14, 14, 33, containing ≈14,532 sq. ft. of land in districts zoned BUSINESS 2 and BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19((d)(2), (i)(2), (j)(1), and (m), 30-15 Table 3, of the City of Newton Rev Zoning Ord, 2007.

**ACTION:** APPROVED 7-0

**NOTE:** This item was the subject of a public hearing, which was opened and closed on November 9. Present at the hearing were Aldermen Hess-Mahan (Chairman), Blazar, Merrill, Fischman, Crossley, Harney, and Schnipper; absent: Ald. Albright. Aldermen Salvucci, Ciccone, Lennon, Danberg, and Baker were also present.

The petitioners were represented by Attorney Jason Rosenberg. The petitioners wish to replace an existing single-family dwelling with a three-story mixed-used building consisting of ground-floor commercial space and five dwelling units on the second and third floors. The Historical Commission has determined that the existing house is not preferably preserved. Located near Watertown Street in the heart of Nonantum, the site contains approximately 14,532 square feet zoned Business 2. It is abutted on the easterly side by Cottage Court, which is a dead end private way. It is abutted on the other side by 138-142 Adams Street, which is owned by the petitioners. The petitioners propose to transfer a small strip of land, zoned Business 1, from 138-142 Adams Street to the site, increasing the lot to 14,882 square feet.

The petitioners are seeking relief for a building over 24 feet (34') and more than two stories; a waiver of one parking space; waivers from landscaping screening and lighting requirements for a parking facility having over 5 stalls. The petitioners will make a cash contribution to the affordable housing fund under 30-24(f). The petitioners have volunteered to restrict certain types of business, such as a hair salon, restaurant, fast food take out, or 7/11-type store.

Twenty two parking spaces are required; the proposal provides twenty one spaces, one of which is a handicapped space, behind the building. Vehicular access will be from Cottage Court. The petitioners are working with the owner of 14 Cottage Court, directly to the rear of the subject site, to scallop down an existing fence to improve the sight line for cars that will exit onto Cottage Court. The petitioners do not want to install a fence against the existing fence in the rear; they prefer landscaping instead. The Planning Department suggested the installation of signs indicating resident and commercial parking. An enclosed dumpster will be located on the north side of the building, where there is a 12-foot alleyway. The Planning Department also suggested that the petitioners pave Cottage Court and install a sidewalk. The petitioners are willing to pave Cottage Court, but the neighbors are not keen on a sidewalk. Cottage Court is approximately 24' wide; a 5-foot ADA compliant sidewalk would make it difficult for residents to enter their driveways. The petitioners have suggested the installation of a low speed bump or grooved pavement to slow cars entering and exiting the site. Three street trees need to be removed for construction, but the petitioners will replace them and the sidewalk along the Adams Street frontage.

The building is designed with setback steps to break up the façade and different materials to diminish its sense of mass. The mixed uses are well delineated. In response to a question about the lack of outdoor space for tenants, Mr. Rosenberg said that units have balconies and there are two city parks within blocks.

Alderman Fischman suggested a site visit. He was concerned about the residential entrance being located next to a retail entrance. He also was concerned that the lobby does not extend to the rear of the building, which makes the staircase and elevator accessible only from the rear of the building where the parking is located. This maxes out the retail, but perhaps the retail space could be reduced from 3,000 square feet, which seems very large. Mr. Rosenberg explained that the concept is that the first floor commercial space could be a single use or split into two spaces. The elevator in the rear serves residents. The front entrances meet code. It is important to have the commercial space flexible, particularly given the restrictions on potential tenants.

Alderman Ciccone said he supports this petition. The petitioners spent a lot of time on this design. The roof line blends with the existing buildings on Watertown Street, and the design complements the neighborhood.

Alderman Lennon explained that a year and half ago he was approached by the petitioners about a mixed-use project. It is important to not clutter the area. The design keeps as much parking on-site as possible. The petitioners are trying to be sensitive to residents by offering a restriction on the types of tenants; preferring a Monday-Friday commercial use.

#### Public Comment

Diane Proia, 11A Cottage Court, a resident of 30-odd years, said it is a very attractive building. The existing apartment building across the way has 30 cars in and out every day. The petitioners have addressed many of the neighbors' safety concerns.

Janet Edsall, a Nonantum native, who owns property on Watertown Street, said that as a business owner, she has worked to attract more businesses to the community. This proposal is an asset to the neighborhood.

Corey Cutler, who owns property on Watertown Street, said the petitioners have kept all the neighborhood informed about the project, has had neighborhood meetings and has been very accommodating. This proposal is very beneficial to the community.

Residents of 9 Cottage Court agreed it is a beautiful building, but traffic on Cottage Court is a problem. It might make more sense to put the entrance on Adams Street. Cottage Court should not be two ways.

Mr. Rosenberg noted that making Cottage Court one way would not work because it is a dead end. A neighborhood meeting last year addressed the issue of putting the access on Adams Street on part of the 12-foot alleyway, but since that access could be only be one way, the traffic

engineer concluded that it would be too close to the intersection of Adams and Washington Streets and affect the queue at the traffic light at that intersection.

Michele Pompei, 30 West Street, supports the petition. The building is a great asset to the community and will bring together the whole corner of Washington and Adams Streets. She is pleased with the prohibitions on certain businesses and pleased about the replacement of the sidewalk as the tree roots have caused it to heave making it difficult to walk on.

An e-mail in opposition to the project was sent on November 5 by Donna Murphy, a trustee of 158 Adams Street. Ms. Murphy feels that Cottage Court cannot handle an addition traffic associated with five apartments and one or two retail uses.

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At the evening's working session the Chairman noted that several committee members visited the site on November 19. The petitioners tonight provided samples of materials to be used on the exterior. Materials included brown brick, brushed aluminum, and granite. They also provided samples of the pavers for the proposed sidewalk and cut sheets for the proposed lighting in the parking area. Pole lights with adjustable shades will direct lighting onto the property; as with any external lighting, a slight overspill will provide additional to the area.

Concerns were expressed at the public hearing as to whether a five-foot ADA compliant sidewalk with curbstones would narrow Cottage Court so that residents could not turn into their driveways. The Planning Department now believes that public safety will be better served by paving Cottage Court instead of installing a sidewalk. The petitioners have agreed to resurface the entire length of Cottage Court, but will speak again with the residents prior to a vote on the special permit by the Board of Aldermen to confirm their preference. The petitioners noted that the open sided arcade on the Cottage Court side of the building essentially will serve as a sidewalk not just for tenants and visitors to the building but for residents of Cottage Court as well.

The Planning Department had asked the petitioners if they would add a window(s) in the center of the Adams Street façade in what is the residential foyer. The petitioners' architect explained that it is structural issue and pointed out that there is a vertical window along the side of the façade that lets natural light into the lobby. As to extending the lobby from Adams Street to the rear of the building, the architect said they had reexamined the feasibility of doing so, but this would limit the flexibility needed to market the commercial space, a necessity for economic viability. All proposed signage will be reviewed by the Urban Design Commission and the petitioners have agreed to place signs indicating handicapped parking and accessibility are to the rear of the building.

As to prohibiting certain uses, the committee noted that such a condition was placed in a prior special permit, but unfortunately it is so onerous it has limited the owner's ability to lease space. The petitioners and the committee agreed that there are "hybrid" businesses that provide services that fall into several categories, but only provide a subcategory business or service. For example, a wine shop would fall under the category of liquor store, but it is a specialty store, not a

traditional liquor store. Businesses that would be excluded are restaurants, fast food establishments, hair salons/barbershops, laundromats/dry cleaners/ and convenience stores. A medical office would not be allowed by-right because of the parking limitations.

The petitioners have agreed to provide a revised landscaping plan showing more plantings along the rear property line against the abutter's fence at 14 Cottage Court. The petitioners will continue to negotiate with the owner of that property re scalloping that fence to improve visibility for cars exiting both properties. If they are unable to reach an agreement, the petitioners will install a parabolic mirror at the exit of the subject site as well as a stop sign. The petitioners will install grooved pavement or another type of traffic calming measure at the driveway entrance to slow cars entering and exiting the site. The three new street trees on Adams Street should also be shown on the revised plan.

Alderman Merrill moved approval of the petition with the findings and conditions in the draft special permit board order dated December 20, 2010. The motion to approve carried unanimously, 7-0.

#333-10        LIFT THROTTLE AUTOMOTIVE  
                  26 Shepherd Park  
                  Waban 02468 Class 2

ACTION:        APPROVED 5-0 (Harney and Schnipper not voting)

NOTE: Mr. Noah Loren who lives at 26 Shepherd Park plans to operate this business out of his home. His niche is dealing in classic collector vehicles, renting garage space and arranging appointments on-line. He has registered his business with the city. He will provide a \$25,000 bond as required when the license is approved. The license will take effect January 1, 2011. Aldermen Merrill moved approval, which motion carried 5-0.

The following renewals were approved 7-0.

*2011 Auto Dealer License Renewals*

Class 1

- #324-10        CLARK & WHITE, INC.  
                  777 Washington Street  
                  Newtonville 02460
- #325-10        CLAY NISSAN OF NEWTON, INC.  
                  431 Washington Street  
                  Newton Corner 02458
- #326-10        VILLAGE MOTORS GROUP, INC.  
                  d/b/a HONDA VILLAGE  
                  371 Washington Street  
                  Newton Corner 02458

Class 2

- #327-10        AUTO EUROPA, INC.  
                  38 Ramsdell Street  
                  Newton Highlands 02461

- #328-10      CICCONI MOTORS  
259 Walnut Street  
Newtonville 02460
- #329-10      ENZO'S AUTO SALES  
10 Hawthorn Street  
Nonantum 02458
- #330-10      GLOBAL VENTURES GROUP  
d/b/a LUX AUTO PLUS  
1197-1201 Washington Street  
West Newton 02465
- #331-10      JACOB & ASSOCIATES  
1232 Washington Street  
West Newton 02465
- #332-10      ROBERT LEONE  
14 Beech Street  
Newton 02458
- #334-10      LOS ANGELES AUTO BODY, INC.  
41 Los Angeles Street  
Nonantum 02458
- #335-10      MAP DEVELOPMENT & INVESTMENTS  
d/b/a ALBEMARLE MOTORS INC.  
175 North Street  
Newtonville 02460
- #336-10      NEW ENGLAND MOTOR MART, INC.  
1221-1229 Washington Street  
West Newton 02465
- #337-10      NEWTON AUTO GROUP, INC.  
1235 Washington Street  
West Newton 02465
- #338-10      NEWTON CENTRE SHELL, INC.  
1365 Centre Street  
Newton Centre 02459
- #339-10      NEWTON TRADE CENTER  
103 Adams Street  
Nonantum 02458

- #340-10 OLD TIME GARAGE LTD.  
1960 Washington Street  
Newton Lower Falls 02462
- #341-10 R.S. SERVICE, INC.  
361 Washington Street  
Newton Corner 02458
- #342-10 ROBERT'S TOWING, INC.  
926r Boylston Street  
Newton Highlands 02461
- #343-10 THE TRAVIS CORPORATION  
d/b/a THE CAR STORE  
19 rolling lane  
Chestnut Hill 02467
- #344-10 VELOCITY MOTORS, INC.  
14 Hawthorn Street  
Nonantum 02458
- #345-10 WASHINGTON STREET SUNOCO  
875 Washington Street  
Newtonville 02460
- #346-10 CITY OF NEWTON  
1000 Commonwealth Avenue 02459

Respectfully submitted,  
Ted Hess-Mahan, Chairman